

**ORDER OF AN EXECUTIVE OFFICER  
CLOSED FOR TENANT ACCOMMODATION PURPOSES  
ORDER TO VACATE**

**To:** Man Young Kim  
James Lee  
Rouvina Lee  
Chad Harley  
Western Explorer Co. Ltd.  
And all owners and managers

**And To:** All Occupant(s) of the following Housing premises:

**RE:** Unit 113, 202 – 5 Street South, Lethbridge, AB

**WHEREAS** I, an **Executive Officer** of **Alberta Health Services**, have inspected the above premises pursuant to the provisions of the **Public Health Act**, RSA 2000, c. P-37, as amended;

**AND WHEREAS** such inspection disclosed that the following conditions exist in and about the above noted premises which are or may become injurious or dangerous to the public health or which might hinder the prevention or suppression of disease, namely:

- a. The steam radiator is in disrepair; the room was very humid.
- b. The hot water in the bathtub was running and could not be shut off.
- c. The window was single paned.
- d. The window frame was in disrepair.
- e. There was no insect screen for the window.
- f. There is no proper kitchen or food preparation area in the unit.

**AND WHEREAS** such inspection disclosed that the following breaches of the Public Health Act and the Regulations there under exist in and about the above noted premises, namely:

a. **Housing Regulation AR 173/99 s4**

The steam radiator is in disrepair; the room was very humid, which is in contravention of section IV(8)(a)(i) of the Minimum Housing and Health Standards which states that: All heating facilities within a housing premises are to be properly installed and maintained in good working condition, and be *capable* of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms within the building to a temperature of at least 22°C(71°F), or maintained at a temperature of at least 22°C(71°F) when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant.

b. **Housing Regulation AR 173/99 s4**

The hot water in the bathtub was running and could not be shut off, which is in contravention of section IV(6)(c) of the Minimum Housing and Health Standards which states that: All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.

**c. Housing Regulation AR 173/99 s4**

The window was single paned, which is in contravention of section III(2)(b)(ii) of the Minimum Housing and Health Standards which states that: In housing premises intended for use during the winter months, windows in habitable rooms shall protect against cold weather through the provision of a storm sash, double glazing, or other durable thermal/air resistant barrier as may be approved by the Executive Officer.

**d. Housing Regulation AR 173/99 s4**

The window frame was in disrepair, which is in contravention of section III(2)(b)(i) of the Minimum Housing and Health Standards which states that: All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.

**e. Housing Regulation AR 173/99 s4**

There was no insect screen for the window, which is in contravention of section III(2)(b)(iii) of the Minimum Housing and Health Standards which states that: During the portion of the year when there is a need for protection against flies and other flying insects, every window or other device intended for ventilation shall be supplied with effective screens.

**f. Housing Regulation AR 173/99 s4**

There is no proper kitchen or food preparation area in this unit, which is in contravention of section III(5)(b) of the Minimum Housing and Health Standards which states that: Rooms and sections of rooms that are used for food preparation and cooking shall have walls and floors constructed of materials which do not provide harbourage to dirt, grease, vermin and bacteria and that are easily kept clean.

**AND WHEREAS**, by virtue of the foregoing, the above noted premises are hereby declared to be **Closed for Tenant Accommodation Purposes**.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the above noted premises remain vacant and not be rented out.
2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Ensure the heating unit is in good repair and can maintain a temperature of 22°C in the unit.
  - b. Ensure the plumbing in the bathtub is repaired and free of leaks.
  - c. Ensure proper windows are in place (ie. Double glazed windows)
  - d. Ensure the window frames are in good repair and that the window can be secured.
  - e. Ensure that there are insect screens available for the window.
  - f. Ensure that the room is equipped with a proper food preparation area, including flooring that does not harbour grease, dirt, bacteria and is easily cleanable.
3. That until such time as the work referred to above is completed to the satisfaction of an Executive Officer of Alberta Health Services and a re-inspection takes place; the above noted premises shall remain closed for tenant accommodation purposes.

The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies. You are advised that further work may be required to ensure full compliance with the Public Health Act and regulations, or to prevent a public health nuisance.

DATED at Lethbridge, Alberta, October 30, 2012.

Jenny Andrew, BSc., BEH(AD), CPHI(C)  
Executive Officer  
Environmental Health Officer

### You have the right to appeal

A person who a) is directly affected by a decision of a Regional Health Authority, and  
b) feels himself aggrieved by the decision

may appeal the decision within ten (10) days after receiving the order to the Public Health Appeal Board located at 24<sup>th</sup> Floor, Telus Plaza, 10025 - Jasper Avenue, Edmonton, Alberta, T5J 1S6. Telephone (780) 427-2813.

The terms of this Order remain in effect notwithstanding the filing or proposed filing of any such appeal. If you appeal, you may also make an application to the Board for a stay of this Order pending the appeal.

A copy of the Public Health Appeal form may be obtained by contacting Alberta Health Services at (780) 342-0122, or the Public Health Appeal Board (780) 427-2813.

You are advised that all orders remain in effect pending such an appeal

### Health Legislation, Regulations and Standards

*Electronic versions of the Public Health Act and Regulations are available at the Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or [www.qp.gov.ab.ca](http://www.qp.gov.ab.ca).*

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*Copies of standards are available by contacting the Health Protection Branch of Alberta Health & Wellness at (780) 427-4518, or by visiting: [www.health.alberta.ca/about/health-legislation.html](http://www.health.alberta.ca/about/health-legislation.html)*

Confirmation of an oral order issued to **Chad Harley**, on **October 22, 2012**.

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